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B / IFW

PATENT  
Attorney Docket 044574-5098

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|   |   |                                 |
|---|---|---------------------------------|
| In re Application of: <b>Dario C. Altieri et al.</b>                              | ) | Group Art Unit: <b>1643</b>     |
|   | ) |                                 |
| Application No. <b>10/042,302</b>   | ) | Examiner: <b>Alana Harris</b>   |
|   | ) |                                 |
| Filed: <b>January 11, 2002</b>  | ) | Allowed: <b>August 25, 2005</b> |
|   | ) |                                 |
| For: <b>Detection of Survivin in the Biological<br/>Fluids of Cancer Patients</b> | ) | Confirmation No. <b>5541</b>    |
|   | ) |                                 |

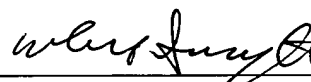
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Issue Fee  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

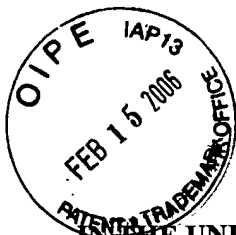
**TRANSMITTAL FORM**

1. Transmitted herewith is a Submission of Replacement Drawings in response to the Notice Regarding Drawings dated December 15, 2005.
2. Additional Papers Submitted:
  - (i) Copy of Notice Regarding Drawings
  - (ii) Copy of Form PTO-948
  - (iii) Four (4) sheets of replacement drawings (Figure 1 to Figure 4)
3. Constructive Petition: Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **February 15, 2006**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
\_\_\_\_\_  
Robert Smyth  
Registration No. 50,801



PATENT  
Attorney Docket **044574-5098**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| <b>Fluids of Cancer Patients</b>                            | ) |                                 |

**SUBMISSION OF REPLACEMENT DRAWINGS**

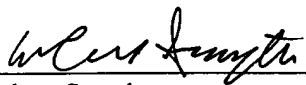
Submitted herewith are four (4) sheets of replacement drawings containing Figures 1 to 4. It is respectfully requested that these drawings be approved and replace the as-filed informal drawings in the above-identified application.

Applicants note that replacement formal drawings were previously submitted on May 13, 2002 at the request of the Office and no subsequent notice regarding formal drawings was mailed by the Office until December 15, 2005 (after payment of the issue fee). Applicants therefore submit that there has been no delay on behalf of Applicants in responding to the requirement for formal drawings and as such, no change to the Patent Term Adjustment should be made upon patent issuance.

If there are any fees due in connection with the filing of these drawings, please charge the fees to our Deposit Account No. 50-310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: **February 15, 2006**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
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Robert Smyth  
Registration No. 50,801



**UNITED STATES PATENT AND TRADEMARK OFFICE**

*RJS/SPT-TALEIDA*

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMES APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/042302          | 01/11/2002          | ALTIERI, DARIO C.     | 044574-5098-US         |

MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20004

Examiner

**HARRIS, ALANA**

Docketed 12/19/05 Attorney RJS/SPT  
Case 044574-5098  
Due Date February 15, 2006  
Action Corrected Drawings  
By u/b Chk J

Art Unit  
**1643**

Paper Number

Date Mailed: 12-15-05

## Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on 05/13/2002 are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two-month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Review  
Nhan Tang -703-305-0333 - Ext. 132

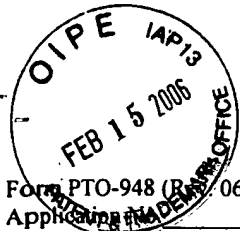
**RETURN CORRECTED DRAWINGS TO:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RECEIVED**

**DEC 19 2005**

MORGAN, LEWIS & BOCKIUS LLP



Form PTO-948 (Rev. 06/03)  
Applying for a Patent

10 042302

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 5/13/02 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

**1. DRAWINGS.** 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

☐ Color drawings are not acceptable until petition is granted. Fig(s) \_\_\_\_\_  
☐ Pencil and non black ink not permitted. Fig(s) \_\_\_\_\_

**2. PHOTOGRAPHS.** 37 CFR 1.84(b)

☐ One (1) full-tone set is required. Fig(s) \_\_\_\_\_  
☐ Photographs may not be mounted. 37 CFR 1.84(e)  
☐ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) \_\_\_\_\_  
☐ Poor quality (half-tone). Fig(s) \_\_\_\_\_

**3. TYPE OF PAPER.** 37 CFR 1.84(e)

☐ Paper not flexible, strong, white, and durable. Fig(s) \_\_\_\_\_  
☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_

**4. SIZE OF PAPER.** 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or  
21.6 cm by 27.9 cm (8 1/2 x 11 inches)  
☐ All drawing sheets not the same size. Sheet(s) \_\_\_\_\_  
☐ Drawings sheets not an acceptable size. Fig(s) \_\_\_\_\_

**5. MARGINS.** 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm  
☐ Margins not acceptable. Fig(s) \_\_\_\_\_  
☐ Top (T) \_\_\_\_\_ Left (L) \_\_\_\_\_  
☐ Right (R) \_\_\_\_\_ Bottom (B) \_\_\_\_\_

**6. VIEWS.** 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

☐ Views not labeled separately or properly. Fig(s) \_\_\_\_\_

**7. SECTIONAL VIEWS.** 37 CFR 1.84(h)(3)

☐ Sectional designation should be noted with Arabic or Roman numbers. Fig(s) \_\_\_\_\_

**8. ARRANGEMENT OF VIEWS.** 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) \_\_\_\_\_

**9. SCALE.** 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) \_\_\_\_\_

**10. CHARACTER OF LINES, NUMBERS, & LETTERS.** 37 CFR 1.84(l)

☒ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) 1-4

**11. SHADING.** 37 CFR 1.84(m)

☒ Solid black areas pale. Fig(s) 1-4  
☐ Solid black shading not permitted. Fig(s) \_\_\_\_\_

**12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.** 37 CFR 1.84(p)

☐ Numbers and reference characters not plain and legible. Fig(s) \_\_\_\_\_  
☐ Figure legends are poor. Fig(s) \_\_\_\_\_  
☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) \_\_\_\_\_  
☐ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) \_\_\_\_\_  
☐ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) \_\_\_\_\_

**13. LEAD LINES.** 37 CFR 1.84(q)

☐ Lead lines missing. Fig(s) \_\_\_\_\_

**14. NUMBERING OF SHEETS OF DRAWINGS.** 37 CFR 1.84(t)

☐ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) \_\_\_\_\_

**15. NUMBERING OF VIEWS.** 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_

**16. DESIGN DRAWINGS.** 37 CFR 1.152

☐ Surface shading shown not appropriate. Fig(s) \_\_\_\_\_  
☐ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) \_\_\_\_\_

COMMENTS:

Reviewer Tang

If you have questions, call (703) 305-~~0000~~0333x132

Date 12/15/05

Attachment to Paper No. \_\_\_\_\_